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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 United States of America,

17 Plaintiff,

18 v.

19 Fitz William Guerin,

20 Defendant.

21 Case No. 3:12-cv-00187-MEJ

22 STIPULATION AND [PROPOSED]  
23 ORDER TO CONTINUE PRETRIAL  
24 DEADLINES AND TRIAL DATE

25 IT IS HEREBY STIPULATED by and between Plaintiff the United States of America

26 ("United States") and Defendant Fitz William Guerin ("Mr. Guerin"), by and through

27 undersigned counsel and pursuant to Fed. R. Civ. P. 16(b)(4) and Local Civil Rule 6-2, that good

28 cause exists and the parties request that the Court continue the pretrial and trial deadlines set

29 forth in the Court's Order dated April 16, 2012 (Doc. # 6), and state as follows in support:

30 1. This case involves an evaluation of whether Mr. Guerin is liable for civil  
31 penalties, known as Trust Fund Recovery Penalties, made against him by the Internal Revenue  
32 Service pursuant to 26 U.S.C. § 6672, holding him personally liable for the unpaid federal

1 withholding taxes of Orbit Travel Network, Inc. for the second quarter of 1998, and the second  
 2 and third quarters of 1999.

3 2. Pursuant to the Court's April 16th Order, the following schedule is currently in  
 4 place:

5 Close of discovery:	4/2/2013
6 Last date to file motions:	5/2/2013
7 Dispositive motions hearing date:	6/6/2013 at 10:00 a.m.
8 Last date to confer regarding pretrial conference statement and to exchange trial papers:	8/7/2013
9 Last date to file pretrial conference statement, trial papers and motions in limine:	8/22/2013
10 Last date to file oppositions to motions in limine:	8/29/2013
11 Initial pretrial conference:	9/5/2013 at 10:00 a.m.
12 Last date to file trial briefs, voir dire, jury instructions and verdict forms:	9/6/2013
13 Final pretrial conference:	10/3/2013 at 10:00 a.m.
14 Trial date:	10/7/2013

17 3. The parties are currently conducting discovery. Both parties have produced Initial  
 18 Disclosures pursuant to Fed. R. Civ. P. 26(a)(1): Mr. Guerin has disclosed eight witnesses  
 19 pursuant to Rule 26(a)(1)(A)(i), and sixty pages of documents pursuant to Rule 26(a)(1)(A)(ii);  
 20 and the United States has disclosed eleven witnesses pursuant to Rule 26(a)(1)(A)(i), and over  
 21 1,500 pages of documents pursuant to Rule 26(a)(1)(A)(ii). Each party has also propounded and  
 22 responded to Interrogatories, Requests for Production of Documents, and Requests for  
 23 Admissions. The parties hereby request an approximately 90 day extension of all existing  
 24 deadlines, not for purposes of delay, but rather to allow the parties to complete discovery,

1 explore the possibility of a negotiated resolution to this matter, and to prepare dispositive  
 2 motions, if necessary. Specifically, the parties hereby respectfully request that the Court amend  
 3 the schedule as follows (with the remaining provisions of the Court's April 16th Order remaining  
 4 unchanged):

5	Close of discovery:	7/2/2013
6	Last date to file motions:	8/1/2013
7	Dispositive motions hearing date:	9/5/2013 at 10:00 a.m.
8	Last date to confer regarding pretrial conference statement and to exchange trial papers:	11/6/2013
9	Last date to file pretrial conference statement, trial papers and motions in limine:	11/21/2013
10	Last date to file oppositions to motions in limine:	11/28/2013
11	Initial pretrial conference:	12/5/2013 at 10:00 a.m.
12	Last date to file trial briefs, voir dire, jury instructions, and verdict forms:	12/6/2013
13	Final pretrial conference:	1/9/2014 at 10:00 a.m.
14	Trial date:	1/13/2014

15       4.     No party has previously sought or received an extension of time in this matter.

16       5.     WHEREFORE the United States and Mr. Guerin hereby respectfully request that

17       the Court extend the deadlines in this case by approximately 90 days, and grant such other and  
 18       further relief as is just and proper.

1 Respectfully submitted this 6th day of March, 2013,

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s/ Timothy J. Chambers  
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~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation of the parties, and for good cause shown therein, it is hereby ORDERED the deadlines set forth in the Court's Order dated April 16, 2012 (Doc. # 6), are continued as follows:

Close of discovery:	7/2/2013
Last date to file motions:	8/1/2013
Dispositive motions hearing date:	9/5/2013 at 10:00 a.m.
Last date to confer regarding pretrial conference statement and to exchange trial papers:	11/6/2013
Last date to file pretrial conference statement, trial papers and motions in limine:	11/21/2013
Last date to file oppositions to motions in limine:	11/28/2013
Initial pretrial conference:	12/5/2013 at 10:00 a.m.
Last date to file trial briefs, voir dire, jury instructions, and verdict forms:	12/6/2013

Final pretrial conference: 1/9/2014 at 10:00 a.m.

Trial date: 1/13/2014

The remaining provisions of the Court's April 16th Order remain unchanged.

IT IS SO ORDERED.

Date: March 6, 2013

HONORABLE MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE